

# Holland & Knight

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April 2, 2019

**VIA ECF**

The Honorable Edgardo Ramos  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: Misc. Action No. 1:19-00130; *Fractus, S.A., v. AT&T Mobility LLC*; In the United States District Court, Southern District of New York

Dear Judge Ramos:

In response to Fractus's letter to the Court of April 1, 2019, and simply as a point of clarification, SBA has not requested or argued that the referenced document, ECF No. 10-5, should now be sealed. In fact, *Fractus*' counsel had requested the confidentiality provision be included in the first place.

The point SBA made in its briefing with respect to the filing was that Fractus completely disregarded the agreed mechanism for protection when convenient for Fractus' purposes, calling into question whether Fractus will faithfully adhere to the Protective Order entered in the Eastern District of Texas with respect to the confidential and commercially sensitive SBA information Fractus seeks in its subpoena.

Sincerely yours,

HOLLAND & KNIGHT LLP

*/s/ Charles T. Jeremiah*  
Charles T. Jeremiah  
*Admitted Pro Hac Vice*

CTJ:lem

cc: All parties *via* ECF